

THE HONOURABLE SRI JUSTICE
A.GOPAL REDDY

W.P.No.6874 of 2006

Dt.06-04-2006

Between:

Ch.Ramadevi

..Petitioner

and

1.The Joint Collector, Prakasam Dist. Ongole and others.

..Respondents.

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A.GOPAL REDDY

W.P.No.6874 of 2006

Oral Order:

Petitioner is the fair price shop dealer of Singarakondapalem village. On suspension of the authorization by the R.D.O. through his proceedings dated 15-012-2005 he preferred an appeal along with stay application. As no stay is granted, he filed W.P.No.10221 of 2005 which was disposed of by this Court, directing the Joint Collector to issue notice to the petitioner and dispose of the appeal within a period of 4 weeks and further directed to maintain status quo. Accordingly the Joint Collector disposed of the appeal on 28-11-2005 remitting the matter to the RDO. On such remand the R.D.O. cancelled the authorization after finding guilty of the charges levelled against the petitioner. Aggrieved by the same petitioner preferred an appeal before Joint collector on 15-03-2006 along with stay petition. Since no orders as such are passed on the stay petition petitioner moved this court by way of writ petition questioning the cancellation of authorization by the R.D.O.

It is well settled that when a statutory appeal is filed and pending the same cannot be a subject matter of writ petition under Article 226 of the Constitution except directing the appellate authority to dispose of the stay petition and the appeal, as the case may be, at an early date. (see **BMRDA v. GOKAK PATEL VOLKART** (1995) 1 SCC 642).

In view of the same, the Joint Collector is hereby directed to dispose of the stay application within two weeks, if not already disposed of, and dispose of the appeal within a period of two months from the date of receipt of a copy of this order. It is needless to say any interim arrangement made pending appeal will be subject to the result of the appeal.

The writ petition is accordingly dismissed. No costs.

A.GOPAL REDDY, J.

06-04-2006

Note: Issue CC in three days

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Murthy